For an editorial note on whether property may be taken for public esthetics, either because of the police power or by eminent domain, see this issue of the REVIEW, p. 571.

CONTEMPT OF COURT — POWER TO PUNISH — DISOBEDIENCE OF INJUNCTION ORDERED BY APPELLATE COURT, REVERSING LOWER COURT. — A mandatory injunction having been refused by the lower court, the upper court decreed that an injunction issue. The defendants disobeyed this injunction before its formal adoption by the lower court. *Held*, that the lower court has jurisdiction to punish. *Fortescue* v. *McKeown*, [1914] 1 Ir. Ch. 30.

To obtain jurisdiction to enforce a final judgment rendered in an appellate court at law, the lower court must formally adopt it as its own. *Clapper* v. *Bailey*, 10 Ind. 160. But on appeal in equity the decree of the appellate court is as though rendered by the court below. The latter therefore has the same jurisdiction over subsequent proceedings as after its own decree. *Sowdon* v. *Marriott*, 2 Phil. 623; S. C. *Flight* v. *Marriott*, 12 Jur. 487. The appellate court should not be the one to punish the disobedience of its decree rendered on appeal. *Dowagiac Mfg. Co.* v. *Minnesota Moline Plow Co.*, 124 Fed. 735. An injunction takes effect from the time ordered, and before the formal sealing of the writ. *Rattray* v. *Bishop*, 3 Madd. 220; *Winslow* v. *Nayson*, 113 Mass. 411, 420. And it is binding on a party who has actual notice, irrespective of formal entry or service. *Hearn* v. *Tennant*, 14 Ves. 136; *Poertner* v. *Russell*, 33 Wis. 193; *Winslow* v. *Nayson*, *supra*, 420. See also *Daniel* v. *Ferguson*, [1891] 2 Ch. 27, 29. Since in the principal case the defendant's knowledge of the order appears unquestionable, the lower court clearly had power to punish, and its refusal on jurisdictional grounds was error. However, in the absence of formal service, the lower court should be sure that there is actual notice of the order. *Dowagiac Mfg. Co.* v. *Minnesota Moline Plow Co.*, *supra*, 736. And since the failure to obey a mandatory injunction generally results only in a continuance of the *status quo*, to refuse to punish until formal service, which can be easily procured, would seem well within the court's discretion. Disobedience of a restraining order is obviously different.

CORPORATIONS — TORTS AND CRIMES — LIABILITY FOR LARCENY. — The Tyson Ticket corporation purchased, on behalf of a customer, two season tickets for the Metropolitan Opera at New York. It then pledged these tickets to secure a loan to itself. *Held*, that the corporation may be convicted of larceny. *People* v. *Tyson & Company, Inc.*, 50 N. Y. L. J. 1829 (City Magistrates' Ct., N. Y., Jan., 1914).

If allowed to stand, this will be the first conviction of a corporation for felony. As such, it is opposed by two modern decisions. *Commonwealth* v. *Punxsutawney Street Passenger R. Co.*, 24 Pa. Co. Ct. 25; *Queen* v. *Great West Laundry Co.*, 13 Manitoba, 66. But four earlier cases hold corporations liable for misdemeanors involving criminal intent. *State* v. *Eastern Coal Co.*, 29 R. I. 254, 70 Atl. 1; *United States* v. *John Kelso Co.*, 86 Fed. 304; *Grant Bros. Construction Co.* v. *United States*, 13 Ariz. 388, 114 Pac. 955; *United States* v. *McAndrews & Forbes Co.*, 149 Fed. 823. The cases argue that since a corporation is liable for wilful torts of its agents, therefore its agents' criminal intent must be "imputed" to a corporation charged with crime. *Green* v. *London General Omnibus Co.*, 7 C. B. N. S. 290; *Reed* v. *Home Savings Bank*, 130 Mass. 443. But the ground of civil responsibility in the cases cited is not that an actual malicious intent is "imputed" to the corporation. Every master is liable for his agents' wilful torts committed in an attempt to accomplish the purposes of the employment, on grounds wholly independent of the master's state of mind. *Bergman* v. *Hendricksen*, 106 Wis. 434, 82 N. W. 304; see 1 CLARK & SKYLES, AGENCY, § 493. Yet clearly he is not held for his servant's crimes